

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SOCIAL WELFARE DEPARTMENT - Welfare of Scheduled Castes and Scheduled Tribes - Atrocities against Scheduled Castes and Scheduled Tribes - Scheme for Relief and Rehabilitation of the SCs/STs (Prevention of Atrocities) Act, 1989 and rules framed there under - Enhancement of compensation - Revised Orders - Issued.

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SOCIAL WELFARE (POA) DEPARTMENT

G.O.Ms.No:22

Dated: 16-06-2012.

Read the following:

1. G.O.Ms.No:3, Social Welfare (H1) Department, Dt:16.01.1996.
2. From the Joint Secretary, Govt of India, Min (SJ & Emp),
D.O.Letter No.11012/2/2008-PCR (Desk), dt.20.01.2012.

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ORDER:

In the G.O first read above the State Government have been following the guidelines issued by the Government of India enhancing the relief and rehabilitation measures. Accordingly the Scheduled Castes/ Scheduled Tribes victims of atrocities and their dependents are being paid compensation of cash relief and other rehabilitation measures for various offences committed by the members belonging to the Castes other than Scheduled Castes/ Scheduled Tribes under the relevant sections of the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act, 1989 as indicated in the Annexure-1 of the said order.

2. The Govt. of India, vide letter 2nd read above, have forwarded the Gazette Notification which were published in the Gazette of India, amending the Annexure-I of the schedule, effecting an increase-generally of 150% in the minimum scale of relief for victims of atrocities, and Annexure-II of the Schedule, replacing the earlier guidelines dt.06.08.1996, for assessment of various disabilities with the guidelines dt.01.06.2011, currently in force, were issued. The GoI, have advised the State Govt. to enhance the relief and rehabilitation measures under the various sections of the POA Act, 1989 on the norms prescribed therein.

3. The State Govt. have decided to follow the guidelines issued by the Government of India in the reference 2nd read above and to enhance the relief and rehabilitation measures. Accordingly, the Scheduled Castes/ Scheduled Tribes victims of atrocities and their dependents shall be paid enhanced compensation of cash relief and other rehabilitation measures for various offences committed by the members belonging to the castes other than Scheduled Castes/ Scheduled Tribes under the relevant Sections of the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act, 1989 as indicated in the Annexure-I to this order.

4. Government direct that the enhanced relief and rehabilitation measures shall come into force with effect from 01.04.2012.

5. Government direct that the procedure indicated in Annexure-II of the Government of India Gazette Notification dated:01.06.2011 relating to the definition of physically Handicapped persons to the various offences under this Act shall be followed.

6. Government direct that the following category of cases shall also be eligible for sanction of this cash relief and rehabilitation measures under the existing Scheme:

- (a) Atrocities on Scheduled Castes and Scheduled Tribes committed by unidentified persons where police declared the offender as undetected after investigation.
- (b) Atrocities on Scheduled Castes and Scheduled Tribes committed by extremists.
- (c) Members of Scheduled Castes and Scheduled Tribes who have died in police firing.
- (d) Members of Scheduled Castes and Scheduled Tribes who have died in political clashes and arson.

(P.T.O)

7. The Government also exempts any expenditure under this scheme from treasury control.
8. This Order issues with the concurrence of Finance and Planning Department vide their U.O.No:4262/125/A1/Exp.SW/2012, dt.17.04.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To:

All the District Collectors.
The Commissioner of Social Welfare, A.P, Hyderabad.
The Commissioner of Tribal Welfare, A.P, Hyderabad.
The IGP (PCR Cell) A.P, Hyderabad.

Copy to:

The Director General of Police, A.P, Hyderabad.
All Superintendents of Police.
The Accountant General, A.P, Hyderabad.
The Director of Backward Classes Welfare, A.P, Hyderabad.
The Commissioner of Panchayat Raj, A.P., Hyderabad.
The Secretary to Government of India Ministry (Social Justice & Empowerment), New Delhi.
The Principal Secretary to C.M
The Personal Secretary to Minister (Social Welfare)
The Personal Secretary to Minister (Tribal Welfare)
The Personal Secretary to Minister (Backward classes Welfare)

//FORWARDED :: BY ORDER//

SECTION OFFICER

**ANNEXURE to G.O.Ms.No.22, Social Welfare (POA) Department,
Dated: 16-06-2012.**

Sl. No.	Name of the Offence	Minimum amount of Relief
1.	Drink or eat inedible or obnoxious – substance [Section 3(a)(i)].	Rs.60,000/- or more depending upon the nature and gravity of the offence to each victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim. Payment to be made as follows: I. 25% when the charge sheet is sent to the court II. 75% when accused are convicted by the lower Court.
2.	Causing injury insult or annoyance [Section 3(1)(ii)].	
3.	Derogatory Act [Section 3(1)(iii)].	
4.	Wrongful occupation or cultivation of land etc [Section 3(1)(iv)].	At least Rs.60,000/- or more depending upon the nature and gravity of the offence. The land/ premises/ water supply shall be restored where necessary at Government cost, full payment to be made when charge-sheet is sent to the court.
5.	Relating to land premises and water [Section 3(1)(v)].	
6.	Beggar or forced or bonded labour [Section 3(1)(vi)]	Atleast Rs. 60,000/- to each victim, payment of Rs.25% at FIR stage and 75% on conviction in the lower court.
7.	Relating to Right to franchise [Section 3(1)(vii)]	Upto Rs.50,000/- to each victim depending upon the nature and gravity of the offence.
8.	False, malicious or vexatious legal proceedings [Section 3(1)(viii)].	Rs.60,000/- or reimbursement of actual legal expenses and damages or whichever is less after conclusion of the trial of the accused.
9.	False and frivolous information [Section 3 (1)(ix)]	
10.	Insult, intimidation and humiliation [Section 3(1)(x)]	Upto Rs.60,000/- to each victim depending upon the nature of the offence payment of 25% when charge sheet is sent to the court and rest on conviction.
11.	Outraging the modesty of a women – [Section 3(1)(xi)].	Rs.1,20,000/- to each victim of the offence. 50% of the amount may be paid after medical examination and remaining 50% at the conclusion of the trial.
12.	Sexual Exploitation of a woman [Section 3(1)(xii)]	
13.	Fouling of water [Section 3(1)(xiii)].	Upto Rs.2,50,000/- or full cost of restoration of normal facility, including cleaning when the water is fouled. Payment may be made at the stage as deemed fit by District Administration.
14.	Denial of Customary right of a passage [Section 3(1)(xiv)]	Upto Rs.2,50,000/- or full cost of restoration of right of passage and full compensation of the loss suffered if any. Payment of 50% when charge sheet is sent to the court and 50% on conviction in lower court.
15.	Making one desert place of residence [Section 3(1)(xv)]	Restoration of the site/right to stay and compensation of Rs.60,000/- to each victim and reconstruction of the house at Government cost, if destroyed, to be paid in full when charge sheet is sent to the lower Court.

16.	Giving false evidence [Section 3(2)(1) and (ii)]	At least Rs.2,50,000/- or full- compensation of the loss or harm sustained. 50% to be paid when charge sheet is sent to the court and 50% on conviction by the lower court.
17.	Committing offences under the Indian Penal Code punishable with imprisonment for a term of 10 years or more [Section 3(2)]	Atleast Rs.1,20,000/- depending upon the nature and gravity of the offence to each victim and or his dependents. The amount would vary if specifically otherwise provided in the Schedule.
18.	Victimization at the hands of a Public Servant [Section 3(2)(vii)]	Full compensation on account of damages or loss or harm sustained 50% to be paid when charge sheet is sent to the Court and 50% on conviction by lower court.
19.	<p>Disability: The definition of disability shall be as given in Section 2 of the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and guidelines for their assessment shall be as contained in the Ministry of Social Justice & Empowerment, GOI, Notification No.154, dt.01.06.2001, as amended from time to time. A copy of the Notification is at Annexure-II to the Schedule.</p> <p>(a) 100% incapacitation</p> <p>(i) Non earning member of a Family</p> <p>(ii) Earning member of a family</p> <p>(b) Where incapacitation is less than 100%</p>	<p>Atleast Rs.2,50,000/- to the each victim of offence. 50% on FIR and 25% at charge sheet and 25% on conviction by the lower court.</p> <p>Atleast Rs.5,00,000/- to each victim of offence, 50% to be paid on FIR/Medical Examination stage, 25% when charge sheet is sent to court and 25% at conviction in lower court.</p> <p>The rates as laid down in a (i) and (ii) above shall be reduced in the same proportion, the stages of payments also being the same. However, not less than Rs.40,000/- to non-earning member and not less than Rs80,000/- to an earning member of a family</p>
20.	<p>Murder/Death</p> <p>(a) Non-earning Member of a family</p> <p>(b) Earning Member of a family</p>	<p>Atleast Rs.2,50,000/- to each case. Payment of 75% after post Mortem and 25% on conviction by the lower court.</p> <p>Atleast Rs.5,00,000/- to each case. Payment of 75% after postmortem and 25% on conviction by the lower court.</p>

21.	Victim of murder, death massacre, rape, mass rape and gang rape, permanent incapacitation and dacoity	<p>In addition to relief amount paid under above items, relief may be arranged within three months of date of atrocity as follows:</p> <p>(i) Pension to each widow and / or other dependents of deceased SC and ST @ Rs.3,000/- per month, or employment to one member of the family of the deceased, or provision of agricultural land, an house, if necessary by outright purchase.</p> <p>(ii) Full cost of the education and maintenance of the children of the victims. Children may be admitted to Ashram Schools/ Residential schools.</p> <p>(iii) Provisions of utensils, rice, wheat, dals, pulses etc. for a period of three months.</p>
22	Complete destruction / burnt houses	Brick/stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed.

J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT